

106TH CONGRESS  
1ST SESSION

# H. R. 421

To direct the Secretary of Health and Human Services to reduce the amount of coinsurance payable in conjunction with outpatient department services furnished under the Medicare Program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1999

Mr. STARK introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To direct the Secretary of Health and Human Services to reduce the amount of coinsurance payable in conjunction with outpatient department services furnished under the Medicare Program, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Medicare Hospital  
5       Outpatient Coinsurance Assistance Act of 1999”.

1 **SEC. 2. REDUCTION IN RATE OF COINSURANCE PAYABLE**  
2 **FOR OUTPATIENT DEPARTMENT SERVICES**  
3 **FURNISHED UNDER MEDICARE.**

4 (a) REDUCTION IN RATE OF COINSURANCE.—

5 (1) IN GENERAL.—For services furnished under  
6 the medicare program during the period described in  
7 paragraph (2), the Secretary of Health and Human  
8 Services shall provide for a reduction in the OPD co-  
9 insurance payment by a percentage that the Sec-  
10 retary determines would result in an amount of ag-  
11 gregate savings to effected medicare beneficiaries  
12 equal to \$460,000,000, adjusted proportionally in  
13 the manner provided in paragraph (3).

14 (2) PERIOD DESCRIBED.—For purposes of  
15 paragraph (1), the period described in this para-  
16 graph is the period beginning on the date of the en-  
17 actment of this Act ending on the date of the imple-  
18 mentation of the prospective payment system for  
19 hospital outpatient department services under sec-  
20 tion 1833(t) of the Social Security Act (42 U.S.C.  
21 1395l(t)).

22 (3) PROPORTIONAL ADJUSTMENT.—In deter-  
23 mining the reduction under paragraph (1), the Sec-  
24 retary shall make a proportional adjustment to the  
25 reduction such that the reduction applies such ag-

1 aggregate savings over the period of 1999 that follows  
 2 the date of the enactment of this Act.

3 (b) MEDICARE PAYMENT RATE.—For purposes of  
 4 payment to providers of services (as defined in section  
 5 1861(u) of such Act (42 U.S.C. 1395x(u)) under the sec-  
 6 tions described in subparagraphs (A) through (C) of sub-  
 7 section (c)(1), the Secretary of Health and Human Serv-  
 8 ices shall make payments to such providers for items and  
 9 services furnished without regard to the application of  
 10 under subsection (a).

11 (c) DEFINITIONS.—As used in this section:

12 (1) OPD COINSURANCE PAYMENT.—The term  
 13 “OPD coinsurance payment” means the coinsurance  
 14 payment imposed under section 1866(a)(2)(A)(ii) of  
 15 the Social Security Act (42 U.S.C.  
 16 1395cc(a)(2)(A)(ii)) with respect to items and serv-  
 17 ices furnished under the following sections of such  
 18 Act:

19 (A) Section 1833(a)(2)(B) (42 U.S.C.  
 20 1395l(a)(2)(B)).

21 (B) Section 1833(i)(2)(A) (42 U.S.C.  
 22 1395l(i)(2)(A)).

23 (C) Section 1833(n) (42 U.S.C. 1395l(n)).

24 (2) EFFECTED MEDICARE BENEFICIARIES.—  
 25 The term “effected medicare beneficiaries” means

1 individuals enrolled under part B of the medicare  
2 program under title XVIII of such Act who are re-  
3 quired to make OPD coinsurance payments for  
4 items and services furnished under such program  
5 during 1999.

6 (d) PROMPT IMPLEMENTATION.—

7 (1) IN GENERAL.—The Secretary of Health and  
8 Human Services shall promptly issue (without re-  
9 gard to chapter 8 of title 5, United States Code)  
10 program memoranda as may be necessary to provide  
11 for the reduction under subsection (a) for services  
12 furnished on or after January 1, 1999.

13 (2) JUDICIAL REVIEW.—There shall be no ad-  
14 ministrative or judicial review under section 1869 of  
15 the Social Security Act (42 U.S.C. 1395ff), 1878 of  
16 such Act (42 U.S.C. 1395ff), or under any other  
17 provision of law of any action by the Secretary in  
18 determining the reduction under subsection (a).

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